

PATENT COOPERATION TREATY

From the INTERNATIONAL SEARCHING AUTHORITY

PCT

To:
FRY HEATH & SPENCE
 Attn. Dr. HUTCHINS, Michael R
 The Old College
 53 High Street
 Horley, Surrey RH6 7BN
 UNITED KINGDOM

RECEIVED

22 NOV 2000

NOTIFICATION OF TRANSMITTAL OF
 THE INTERNATIONAL SEARCH REPORT
 OR THE DECLARATION

(PCT Rule 44.1)

Applicant's or agent's file reference P57778M	Date of mailing (day/month/year) 22/11/2000
International application No. PCT/GB 00/02644	International filing date (day/month/year) 14/07/2000
Applicant KERRY INGREDIENTS (UK) LIMITED et al.	

1. ☒ The applicant is hereby notified that the International Search Report has been established and is transmitted herewith.

Filing of amendments and statement under Article 19:
 The applicant is entitled, if he so wishes, to amend the claims of the International Application (see Rule 46):

When? The time limit for filing such amendments is normally 2 months from the date of transmittal of the International Search Report; however, for more details, see the notes on the accompanying sheet.

Where? Directly to the International Bureau of WIPO
 34, chemin des Colombettes
 1211 Geneva 20, Switzerland
 Facsimile No.: (41-22) 740.14.35

For more detailed instructions, see the notes on the accompanying sheet.

2. ☐ The applicant is hereby notified that no International Search Report will be established and that the declaration under Article 17(2)(a) to that effect is transmitted herewith.

3. ☐ With regard to the protest against payment of (an) additional fee(s) under Rule 40.2, the applicant is notified that:

☐ the protest together with the decision thereon has been transmitted to the International Bureau together with the applicant's request to forward the texts of both the protest and the decision thereon to the designated Offices.

☐ no decision has been made yet on the protest; the applicant will be notified as soon as a decision is made.

4. **Further action(s):** The applicant is reminded of the following:

Shortly after 18 months from the priority date, the international application will be published by the International Bureau. If the applicant wishes to avoid or postpone publication, a notice of withdrawal of the international application, or of the priority claim, must reach the International Bureau as provided in Rules 90bis.1 and 90bis.3, respectively, before the completion of the technical preparations for international publication.

Within 19 months from the priority date, a demand for international preliminary examination must be filed if the applicant wishes to postpone the entry into the national phase until 30 months from the priority date (in some Offices even later).

Within 20 months from the priority date, the applicant must perform the prescribed acts for entry into the national phase before all designated Offices which have not been elected in the demand or in a later election within 19 months from the priority date or could not be elected because they are not bound by Chapter II.

Name and mailing address of the International Searching Authority European Patent Office, P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk Tel. (+31-70) 340-2040, Tx. 31 651 epo nl, Fax: (+31-70) 340-3016	Authorized officer Emmanuel Cherqui
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22/11/00

These Notes are intended to give the basic instructions concerning the filing of amendments under article 19. The Notes are based on the requirements of the Patent Cooperation Treaty, the Regulations and the Administrative Instructions under that Treaty. In case of discrepancy between these Notes and those requirements, the latter are applicable. For more detailed information, see also the PCT Applicant's Guide, a publication of WIPO.

In these Notes, "Article", "Rule", and "Section" refer to the provisions of the PCT, the PCT Regulations and the PCT Administrative Instructions respectively.

INSTRUCTIONS CONCERNING AMENDMENTS UNDER ARTICLE 19

The applicant has, after having received the international search report, one opportunity to amend the claims of the international application. It should however be emphasized that, since all parts of the international application (claims, description and drawings) may be amended during the international preliminary examination procedure, there is usually no need to file amendments of the claims under Article 19 except where, e.g. the applicant wants the latter to be published for the purposes of provisional protection or has another reason for amending the claims before international publication. Furthermore, it should be emphasized that provisional protection is available in some States only.

What parts of the international application may be amended?

Under Article 19, only the claims may be amended.

During the international phase, the claims may also be amended (or further amended) under Article 34 before the International Preliminary Examining Authority. The description and drawings may only be amended under Article 34 before the International Examining Authority.

Upon entry into the national phase, all parts of the international application may be amended under Article 28 or, where applicable, Article 41.

When?

Within 2 months from the date of transmittal of the international search report or 16 months from the priority date, whichever time limit expires later. It should be noted, however, that the amendments will be considered as having been received on time if they are received by the International Bureau after the expiration of the applicable time limit but before the completion of the technical preparations for international publication (Rule 46.1).

Where not to file the amendments?

The amendments may only be filed with the International Bureau and not with the receiving Office or the International Searching Authority (Rule 46.2).

Where a demand for international preliminary examination has been/is filed, see below.

How?

Either by cancelling one or more entire claims, by adding one or more new claims or by amending the text of one or more of the claims as filed.

A replacement sheet must be submitted for each sheet of the claims which, on account of an amendment or amendments, differs from the sheet originally filed.

All the claims appearing on a replacement sheet must be numbered in Arabic numerals. Where a claim is cancelled, no renumbering of the other claims is required. In all cases where claims are renumbered, they must be renumbered consecutively (Administrative Instructions, Section 205(b)).

The amendments must be made in the language in which the international application is to be published.

What documents must/may accompany the amendments?

Letter (Section 205(b)):

The amendments must be submitted with a letter.

The letter will not be published with the international application and the amended claims. It should not be confused with the "Statement under Article 19(1)" (see below, under "Statement under Article 19(1)").

The letter must be in English or French, at the choice of the applicant. However, if the language of the international application is English, the letter must be in English; if the language of the international application is French, the letter must be in French.

The letter must indicate the differences between the claims as filed and the claims as amended. It must, in particular, indicate, in connection with each claim appearing in the international application (it being understood that identical indications concerning several claims may be grouped), whether

- (i) the claim is unchanged;
- (ii) the claim is cancelled;
- (iii) the claim is new;
- (iv) the claim replaces one or more claims as filed;
- (v) the claim is the result of the division of a claim as filed.

The following examples illustrate the manner in which amendments must be explained in the accompanying letter:

1. [Where originally there were 48 claims and after amendment of some claims there are 51]:
"Claims 1 to 29, 31, 32, 34, 35, 37 to 48 replaced by amended claims bearing the same numbers; claims 30, 33 and 36 unchanged; new claims 49 to 51 added."
2. [Where originally there were 15 claims and after amendment of all claims there are 11]:
"Claims 1 to 15 replaced by amended claims 1 to 11."
3. [Where originally there were 14 claims and the amendments consist in cancelling some claims and in adding new claims]:
"Claims 1 to 6 and 14 unchanged; claims 7 to 13 cancelled; new claims 15, 16 and 17 added." or
"Claims 7 to 13 cancelled; new claims 15, 16 and 17 added; all other claims unchanged."
4. [Where various kinds of amendments are made]:
"Claims 1-10 unchanged; claims 11 to 13, 18 and 19 cancelled; claims 14, 15 and 16 replaced by amended claim 14; claim 17 subdivided into amended claims 15, 16 and 17; new claims 20 and 21 added."

"Statement under article 19(1)" (Rule 46.4)

The amendments may be accompanied by a statement explaining the amendments and indicating any impact that such amendments might have on the description and the drawings (which cannot be amended under Article 19(1)).

The statement will be published with the international application and the amended claims.

It must be in the language in which the international application is to be published.

It must be brief, not exceeding 500 words if in English or if translated into English.

It should not be confused with and does not replace the letter indicating the differences between the claims as filed and as amended. It must be filed on a separate sheet and must be identified as such by a heading, preferably by using the words "Statement under Article 19(1)."

It may not contain any disparaging comments on the international search report or the relevance of citations contained in that report. Reference to citations, relevant to a given claim, contained in the international search report may be made only in connection with an amendment of that claim.

Consequence if a demand for international preliminary examination has already been filed

If, at the time of filing any amendments under Article 19, a demand for international preliminary examination has already been submitted, the applicant must preferably, at the same time of filing the amendments with the International Bureau, also file a copy of such amendments with the International Preliminary Examining Authority (see Rule 62.2(a), first sentence).

Consequence with regard to translation of the international application for entry into the national phase

The applicant's attention is drawn to the fact that, where upon entry into the national phase, a translation of the claims as amended under Article 19 may have to be furnished to the designated/elected Offices, instead of, or in addition to, the translation of the claims as filed.

For further details on the requirements of each designated/elected Office, see Volume II of the PCT Applicant's Guide.

PATENT COOPERATION TREATY

PCT

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference P57778M	FOR FURTHER ACTION see Notification of Transmittal of International Search Report (Form PCT/ISA/220) as well as, where applicable, item 5 below.	
International application No. PCT/GB 00/ 02644	International filing date (day/month/year) 14/07/2000	(Earliest) Priority Date (day/month/year) 16/07/1999
Applicant KERRY INGREDIENTS (UK) LIMITED et al.		

This International Search Report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This International Search Report consists of a total of 3 sheets.



It is also accompanied by a copy of each prior art document cited in this report.

1. Basis of the report

- a. With regard to the **language**, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.



the international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).

- b. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international search was carried out on the basis of the sequence listing:



contained in the international application in written form.



filed together with the international application in computer readable form.



furnished subsequently to this Authority in written form.



furnished subsequently to this Authority in computer readable form.



the statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.



the statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished

2. ☐ Certain claims were found unsearchable (See Box I).

3. ☐ Unity of invention is lacking (see Box II).

4. With regard to the title,



the text is approved as submitted by the applicant.



the text has been established by this Authority to read as follows:

LIQUID FOOD SUSPENSION

5. With regard to the abstract,



the text is approved as submitted by the applicant.



the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box III. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. The figure of the drawings to be published with the abstract is Figure No.



as suggested by the applicant.



because the applicant failed to suggest a figure.



because this figure better characterizes the invention.



None of the figures.

A. CLASSIFICATION OF SUBJECT MATTER IPC 7 A23P1/08 A23L1/164 A23L1/39 A21D2/10 A23C19/09 A23L1/22		
According to International Patent Classification (IPC) or to both national classification and IPC		
B. FIELDS SEARCHED Minimum documentation searched (classification system followed by classification symbols) IPC 7 A23P A23L A21D A23C		
Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched		
Electronic data base consulted during the international search (name of data base and, where practical, search terms used) WPI Data, PAJ, EPO-Internal, FSTA		
C. DOCUMENTS CONSIDERED TO BE RELEVANT		
Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	EP 0 518 507 A (PAULS PLC) 16 December 1992 (1992-12-16) cited in the application the whole document	1-5, 7-25, 31-40
X	EP 0 560 609 A (GEN FOODS INC) 15 September 1993 (1993-09-15) example 1 page 3, line 24 -page 4, line 2	1-4, 7-25, 34-36, 38, 39
X	GB 2 093 679 A (GEN FOODS LTD) 8 September 1982 (1982-09-08) the whole document	1-5, 7-25, 31, 34-36, 38-40
-/--		
<input checked="" type="checkbox"/> Further documents are listed in the continuation of box C. <input checked="" type="checkbox"/> Patent family members are listed in annex.		
* Special categories of cited documents : "A" document defining the general state of the art which is not considered to be of particular relevance "E" earlier document but published on or after the international filing date "L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified) "O" document referring to an oral disclosure, use, exhibition or other means "P" document published prior to the international filing date but later than the priority date claimed "T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention "X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone "Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art. "&" document member of the same patent family		
Date of the actual completion of the international search		Date of mailing of the international search report
3 November 2000		22/11/2000
Name and mailing address of the ISA European Patent Office, P.B. 5818 Patentlaan 2 NL - 2280 HV Rijswijk Tel. (+31-70) 340-2040, Tx. 31 651 epo nl, Fax: (+31-70) 340-3016		Authorized officer Vuillamy, V

C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	<p>GB 1 568 270 A (UNION PROCESS INTERNATIONAL) 29 May 1980 (1980-05-29)</p> <p>page 1, line 11 - line 58 page 2, line 94 - line 121 page 3, line 38 - line 65 page 4, line 108 - line 112 page 5, line 92 - line 99 examples XIV, XV, XVI,</p>	<p>1-5, 7-16, 19-24, 31, 34-36, 38-40</p>
X	<p>US 4 375 483 A (SHUFORD CHARLES E ET AL) 1 March 1983 (1983-03-01) cited in the application column 2, line 13 - line 48 column 4, line 35 - column 6, line 2</p>	<p>1-4, 7-19, 23, 24</p>
X	<p>EP 0 421 510 A (UNILEVER NV ; UNILEVER PLC (GB)) 10 April 1991 (1991-04-10)</p> <p>page 2, line 1 - line 12 page 2, line 47 - page 3, line 46 the whole document</p>	<p>1-5, 7-30, 34-36, 38, 39</p>
X	<p>US 5 362 512 A (CABRERA JORGE A ET AL) 8 November 1994 (1994-11-08) the whole document</p>	<p>1, 27-30</p>
A	<p>E. ROBINSON LANG: "Coating Behaviour of Suspensions" JOURNAL OF FOOD SCIENCE., vol. 47, 1981, pages 324-325, XP002151905 CHICAGO US cited in the application</p>	

INTERNATIONAL SEARCH REPORT

Information on patent family members

International Application No

PCT/GB 00/02644

Patent document cited in search report		Publication date	Patent family member(s)	Publication date
EP 0518507	A	16-12-1992	GB 2256571 A, B	16-12-1992
EP 0560609	A	15-09-1993	AU 3399393 A	16-09-1993
			CA 2090169 A	13-09-1993
			CN 1081829 A	16-02-1994
			FI 931069 A	13-09-1993
			JP 6038681 A	15-02-1994
			NO 930897 A	13-09-1993
			NZ 247115 A	28-03-1995
GB 2093679	A	08-09-1982	AU 8077482 A	09-09-1982
			CA 1168099 A	29-05-1984
			DE 3206638 A	21-10-1982
			FR 2500723 A	03-09-1982
GB 1568270	A	29-05-1980	BE 860198 A	15-02-1978
			CA 1062681 A	18-09-1979
			CH 635731 A	29-04-1983
			DE 2752400 A	22-06-1978
			JP 1031091 C	29-01-1981
			JP 53079062 A	13-07-1978
			JP 55022058 B	14-06-1980
			MX 5039 E	24-02-1983
			NL 7712453 A	20-06-1978
US 4375483	A	01-03-1983	CA 1180223 A	01-01-1985
			DE 3262751 D	02-05-1985
			EP 0063835 A	03-11-1982
			PH 17236 A	03-07-1984
EP 0421510	A	10-04-1991	AT 98427 T	15-01-1994
			AU 631683 B	03-12-1992
			AU 6377090 A	11-04-1991
			CA 2027046 A	07-04-1991
			DE 69005252 D	27-01-1994
			DE 69005252 T	28-04-1994
			DK 421510 T	11-04-1994
			ES 2047828 T	01-03-1994
			JP 1806068 C	26-11-1993
			JP 3127935 A	31-05-1991
			JP 5016812 B	05-03-1993
			US 5185173 A	09-02-1993
			ZA 9007984 A	24-06-1992
US 5362512	A	08-11-1994	AT 152880 T	15-05-1997
			AU 3706093 A	04-11-1993
			CA 2095131 A	30-10-1993
			DE 69310611 D	19-06-1997
			DE 69310611 T	02-10-1997
			EP 0572051 A	01-12-1993
			JP 6319431 A	22-11-1994
			JP 7067362 B	26-07-1995
			ZA 9303025 A	29-10-1994

INTERNATIONAL SEARCH REPORT

International Application No
PCT/GB 00/02644

C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT		
Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	<p>GB 1 568 270 A (UNION PROCESS INTERNATIONAL) 29 May 1980 (1980-05-29)</p> <p>page 1, line 11 - line 58 page 2, line 94 - line 121 page 3, line 38 - line 65 page 4, line 108 - line 112 page 5, line 92 - line 99 examples XIV, XV, XVI,</p>	<p>1-5, 7-16, 19-24, 31, 34-36, 38-40</p>
X	<p>US 4 375 483 A (SHUFORD CHARLES E ET AL) 1 March 1983 (1983-03-01) cited in the application column 2, line 13 - line 48 column 4, line 35 - column 6, line 2</p>	<p>1-4, 7-19, 23, 24</p>
X	<p>EP 0 421 510 A (UNILEVER NV ; UNILEVER PLC (GB)) 10 April 1991 (1991-04-10)</p> <p>page 2, line 1 - line 12 page 2, line 47 - page 3, line 46 the whole document</p>	<p>1-5, 7-30, 34-36, 38, 39</p>
X	<p>US 5 362 512 A (CABRERA JORGE A ET AL) 8 November 1994 (1994-11-08) the whole document</p>	<p>1, 27-30</p>
A	<p>E. ROBINSON LANG: "Coating Behaviour of Suspensions" JOURNAL OF FOOD SCIENCE., vol. 47, 1981, pages 324-325, XP002151905 CHICAGO US cited in the application</p>	

INTERNATIONAL SEARCH REPORT

International Application No

/GB 00/02644

A. CLASSIFICATION OF SUBJECT MATTER

IPC 7 A23P1/08 A23L1/164 A23L1/39 A21D2/16 A23C19/09
A23L1/22

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC 7 A23P A23L A21D A23C

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

WPI Data, PAJ, EPO-Internal, FSTA

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	EP 0 518 507 A (PAULS PLC) 16 December 1992 (1992-12-16) cited in the application the whole document	1-5, 7-25, 31-40
X	EP 0 560 609 A (GEN FOODS INC) 15 September 1993 (1993-09-15) example 1 page 3, line 24 -page 4, line 2	1-4, 7-25, 34-36, 38, 39
X	GB 2 093 679 A (GEN FOODS LTD) 8 September 1982 (1982-09-08) the whole document	1-5, 7-25, 31, 34-36, 38-40



Further documents are listed in the continuation of box C.



Patent family members are listed in annex.

* Special categories of cited documents :

- "A" document defining the general state of the art which is not considered to be of particular relevance
- "E" earlier document but published on or after the international filing date
- "L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- "O" document referring to an oral disclosure, use, exhibition or other means
- "P" document published prior to the international filing date but later than the priority date claimed

"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.

"&" document member of the same patent family

Date of the actual completion of the international search

3 November 2000

Date of mailing of the international search report

22/11/2000

Name and mailing address of the ISA

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Fax: (+31-70) 340-3016

Authorized officer

Vuillamy, V

INTERNATIONAL SEARCH REPORT

Information on patent family members

International Application No

/GB 00/02644

Patent document cited in search report		Publication date	Patent family member(s)	Publication date
EP 0518507	A	16-12-1992	GB 2256571 A,B	16-12-1992
EP 0560609	A	15-09-1993	AU 3399393 A	16-09-1993
			CA 2090169 A	13-09-1993
			CN 1081829 A	16-02-1994
			FI 931069 A	13-09-1993
			JP 6038681 A	15-02-1994
			NO 930897 A	13-09-1993
			NZ 247115 A	28-03-1995
GB 2093679	A	08-09-1982	AU 8077482 A	09-09-1982
			CA 1168099 A	29-05-1984
			DE 3206638 A	21-10-1982
			FR 2500723 A	03-09-1982
GB 1568270	A	29-05-1980	BE 860198 A	15-02-1978
			CA 1062681 A	18-09-1979
			CH 635731 A	29-04-1983
			DE 2752400 A	22-06-1978
			JP 1031091 C	29-01-1981
			JP 53079062 A	13-07-1978
			JP 55022058 B	14-06-1980
			MX 5039 E	24-02-1983
			NL 7712453 A	20-06-1978
US 4375483	A	01-03-1983	CA 1180223 A	01-01-1985
			DE 3262751 D	02-05-1985
			EP 0063835 A	03-11-1982
			PH 17236 A	03-07-1984
EP 0421510	A	10-04-1991	AT 98427 T	15-01-1994
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			AU 6377090 A	11-04-1991
			CA 2027046 A	07-04-1991
			DE 69005252 D	27-01-1994
			DE 69005252 T	28-04-1994
			DK 421510 T	11-04-1994
			ES 2047828 T	01-03-1994
			JP 1806068 C	26-11-1993
			JP 3127935 A	31-05-1991
			JP 5016812 B	05-03-1993
			US 5185173 A	09-02-1993
			ZA 9007984 A	24-06-1992
US 5362512	A	08-11-1994	AT 152880 T	15-05-1997
			AU 3706093 A	04-11-1993
			CA 2095131 A	30-10-1993
			DE 69310611 D	19-06-1997
			DE 69310611 T	02-10-1997
			EP 0572051 A	01-12-1993
			JP 6319431 A	22-11-1994
			JP 7067362 B	26-07-1995
			ZA 9303025 A	29-10-1994

REC'D 27 SEP 2001

WFO PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT



(PCT Article 36 and Rule 70)

Applicant's or agent's file reference P57778M		FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/GB00/02644	International filing date (day/month/year) 14/07/2000	Priority date (day/month/year) 16/07/1999	
International Patent Classification (IPC) or national classification and IPC A23P1/08			
Applicant KERRY INGREDIENTS (UK) LIMITED et al.			

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 4 sheets, including this cover sheet.
 - ☐ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of sheets.

3. This report contains indications relating to the following items:
 - I ☒ Basis of the report
 - II ☐ Priority
 - III ☒ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
 - IV ☐ Lack of unity of invention
 - V ☐ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
 - VI ☐ Certain documents cited
 - VII ☐ Certain defects in the international application
 - VIII ☐ Certain observations on the international application

Date of submission of the demand 13/02/2001	Date of completion of this report 25.09.2001
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized officer Weber, G Telephone No. +49 89 2399 8656 

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No. PCT/GB00/02644

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

Description, pages:

1-21 as originally filed

Claims, No.:

1-40 as originally filed

Drawings, sheets:

1/2-2/2 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☐ the claims, Nos.:

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No. PCT/GB00/02644

☐ the drawings, sheets:

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)):

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

III. Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

1. The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non-obvious), or to be industrially applicable have not been examined in respect of:

☒ the entire international application.

☐ claims Nos. .

because:

☐ the said international application, or the said claims Nos. relate to the following subject matter which does not require an international preliminary examination (*specify*):

☒ the description, claims or drawings (*indicate particular elements below*) or said claims Nos. are so unclear that no meaningful opinion could be formed (*specify*):
see separate sheet

☐ the claims, or said claims Nos. are so inadequately supported by the description that no meaningful opinion could be formed.

☐ no international search report has been established for the said claims Nos. .

2. A meaningful international preliminary examination cannot be carried out due to the failure of the nucleotide and/or amino acid sequence listing to comply with the standard provided for in Annex C of the Administrative Instructions:

☐ the written form has not been furnished or does not comply with the standard.

☐ the computer readable form has not been furnished or does not comply with the standard.

ad III:

The various definitions of the invention given in independent claims 1, 4, 5, 31, 33, 34, 37, 38, 39 and 40 are such that the claims as a whole are not clear and concise, contrary to Article 6 PCT. The claims should be recast to include only the minimum necessary number of independent claims in any one category with dependent claims as appropriate.

Furthermore claim 5 is unclear in view of negative technical features in brackets; i.e. it is not clear whether or not the said features are mandatorily.

Claims 38, 39 and 40 are also unclear because of their vague references to the description and the drawings.

The applicant's attention is drawn to the fact that maintaining several independent claims of the same category can lead to a serious unity of invention problem.

PATENT COOPERATION TREATY

PCT

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference P57778M	FOR FURTHER ACTION see Notification of Transmittal of International Search Report (Form PCT/ISA/220) as well as, where applicable, item 5 below.	
International application No. PCT/GB 00/ 02644	International filing date (day/month/year) 14/07/2000	(Earliest) Priority Date (day/month/year) 16/07/1999
Applicant KERRY INGREDIENTS (UK) LIMITED et al.		

This International Search Report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This International Search Report consists of a total of 3 sheets.

☒ It is also accompanied by a copy of each prior art document cited in this report.

1. Basis of the report

- a. With regard to the **language**, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ the international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).

- b. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international search was carried out on the basis of the sequence listing:

☐ contained in the international application in written form.

☐ filed together with the international application in computer readable form.

☐ furnished subsequently to this Authority in written form.

☐ furnished subsequently to this Authority in computer readable form.

☐ the statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.

☐ the statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished

2. ☐ **Certain claims were found unsearchable** (See Box I).

3. ☐ **Unity of invention is lacking** (see Box II).

4. With regard to the **title**,

☐ the text is approved as submitted by the applicant.

☒ the text has been established by this Authority to read as follows:

LIQUID FOOD SUSPENSION

5. With regard to the **abstract**,

☒ the text is approved as submitted by the applicant.

☐ the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box III. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. The figure of the **drawings** to be published with the abstract is Figure No.

☐ as suggested by the applicant.

☐ because the applicant failed to suggest a figure.

☐ because this figure better characterizes the invention.

☒ None of the figures.

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference P57778M	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/GB00/02644	International filing date (day/month/year) 14/07/2000	Priority date (day/month/year) 16/07/1999
International Patent Classification (IPC) or national classification and IPC A23P1/08		
Applicant KERRY INGREDIENTS (UK) LIMITED et al.		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.


2. This REPORT consists of a total of 4 sheets, including this cover sheet.

- ☐ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☒ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☐ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 13/02/2001	Date of completion of this report 25.09.2001
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized officer Weber, G Telephone No. +49 89 2399 8656 <div data-bbox="1377 1848 1529 1990" data-label="Image"> </div>

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. PCT/GB00/02644

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

Description, pages:

1-21 as originally filed

Claims, No.:

1-40 as originally filed

Drawings, sheets:

1/2-2/2 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☐ the claims, Nos.:

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. PCT/GB00/02644

☐ the drawings, sheets:

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)):

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

III. Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

1. The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non-obvious), or to be industrially applicable have not been examined in respect of:

☒ the entire international application.

☐ claims Nos. .

because:

☐ the said international application, or the said claims Nos. relate to the following subject matter which does not require an international preliminary examination (*specify*):

☒ the description, claims or drawings (*indicate particular elements below*) or said claims Nos. are so unclear that no meaningful opinion could be formed (*specify*):
see separate sheet

☐ the claims, or said claims Nos. are so inadequately supported by the description that no meaningful opinion could be formed.

☐ no international search report has been established for the said claims Nos. .

2. A meaningful international preliminary examination cannot be carried out due to the failure of the nucleotide and/or amino acid sequence listing to comply with the standard provided for in Annex C of the Administrative Instructions:

☐ the written form has not been furnished or does not comply with the standard.

☐ the computer readable form has not been furnished or does not comply with the standard.

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT - SEPARATE SHEET**

International application No. PCT/GB00/02644

ad III:

The various definitions of the invention given in independent claims 1, 4, 5, 31, 33, 34, 37, 38, 39 and 40 are such that the claims as a whole are not clear and concise, contrary to Article 6 PCT. The claims should be recast to include only the minimum necessary number of independent claims in any one category with dependent claims as appropriate.

Furthermore claim 5 is unclear in view of negative technical features in brackets; i.e. it is not clear whether or not the said features are mandatorily.

Claims 38, 39 and 40 are also unclear because of their vague references to the description and the drawings.

The applicant's attention is drawn to the fact that maintaining several independent claims of the same category can lead to a serious unity of invention problem.

PCT

NOTIFICATION OF ELECTION

(PCT Rule 61.2)

From the INTERNATIONAL BUREAU

To:

Commissioner
US Department of Commerce
United States Patent and Trademark
Office, PCT
2011 South Clark Place Room
CP2/5C24
Arlington, VA 22202
ETATS-UNIS D'AMERIQUE
in its capacity as elected Office

Date of mailing (day/month/year) 28 March 2001 (28.03.01)	
International application No. PCT/GB00/02644	Applicant's or agent's file reference P57778M
International filing date (day/month/year) 14 July 2000 (14.07.00)	Priority date (day/month/year) 16 July 1999 (16.07.99)
Applicant HELLABY, Stephen, Richard et al	

1. The designated Office is hereby notified of its election made:

☒ in the demand filed with the International Preliminary Examining Authority on:
13 February 2001 (13.02.01)

☐ in a notice effecting later election filed with the International Bureau on:

2. The election ☒ was
☐ was not

made before the expiration of 19 months from the priority date or, where Rule 32 applies, within the time limit under Rule 32.2(b).

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No.: (41-22) 740.14.35	Authorized officer Olivia TEFY Telephone No.: (41-22) 338.83.38
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